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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Preparation for International Telecommunication Union World Radiocommunication Conferences	)	**IC Docket No. 94-31**
	)	

[redacted]

To: The Commission

REPLY COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED IN RESPONSE TO SECOND NOTICE OF INQUIRY

The American Radio Relay League, Incorporated (the League), the national association of amateur radio operators in the United States, by counsel and pursuant to Section 1.415 of the Commission's Rules (47 C.F.R. §1.415), hereby respectfully submits its reply comments relative to the Second Notice of Inquiry (the Second Notice), FCC 95-36, 60 Fed. Reg. 8994, released January 31, 1995.[1] The Second Notice addresses technical, regulatory and procedural matters related to the WRC-95 agenda and solicits information to assist the Commission in preparing United States proposals for future conference agendas. In response to certain of the comments filed, and in continued support of the interests of the Amateur Radio Service in WRC-95 and future conferences, the League states as follows:

[1] The deadline for filing reply comments in this proceeding was extended by the Chief, International Bureau, by Order, DA 95-421, released March 6, 1995.

I. MSS Allocation at 216-220 MHz

1. The only comments in this proceeding specifically addressed to matters involving the Amateur Service are those of Leo One USA (LOU), which filed timely comments seeking additional allocations for Non-Voice Non-Geostationary Mobile Satellite Service (NVNG MSS) below 1000 MHz. Specifically, LOU asked for 10 MHz of spectrum for NVNG MSS at WRC-95, for both uplinks and downlinks. Uplink spectrum suggested by LOU included several alternative possibilities, including 138-144 MHz; 157.0375-174 MHz; 216-218 MHz and 219-220 MHz; 312-315 MHz; and 450-470 MHz. No technical justification for any of these "options" was provided, but simply a conclusory allegation that each was in some sense appropriate for reallocation for NVNG MSS uplinks.

2. Of these possibilities, the 216-218 MHz and 219-220 MHz segments are perhaps the worst possible choices for a NVNG MSS uplink allocation, due to the other services operating in the band worldwide. In Regions 1 and 3, for example, there are television channels which utilize center frequencies within the 216-217 MHz bands.[2] There is sufficient RF energy from television broadcast transmitters in Europe and Asia to create difficulties to MSS systems. LOU notes that difficulty, but claims that in Region 2, the allocation "may be an ideal band for NVNG MSS systems." The logic of this, considering that LOU is seeking a non-geostationary MSS satellite system, is difficult to

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[2] See the World Radio-TV Handbook, Volume 47, 1993, at 379.

follow. Assuming for the moment, however, that it is possible to isolate Region 2 from Regions 1 and 3 for the purpose of allocating spectrum for a non-geostationary satellite system, the allocation status and actual use of the 216-220 MHz band in Region 2 is not at all conducive to uplink MSS operation. According to the NTIA's Spectrum Use Summary, 137 MHz-5 GHz, dated August 1, 1994 (NTIA Docket No. 28858/2-2.1.2, Ref. Doc. 28309/1-2.1.2), the Government uses of the 216-220 MHz band include critical Federal radiolocation requirements. The U.S. Navy operates the SPASUR system in the band 216.88-217.08 MHz at several locations in the southern U.S. for the purpose of detecting Earth orbiting satellites. Assignments to the fixed and mobile services, according to Footnote US229, must protect the SPASUR system. There are other Government assignments at 216-220 MHz as well. These are predominantly telemetry systems in the fixed and mobile service for seismology, located throughout the United States. There are some 988 government assignments in total, according to NTIA Report 91-280, entitled Assessment of Bands for Wind Profiler Accommodation, at p. 5-2.

3. Nor could any mobile uplink facilities protect the non-government, terrestrial fixed and mobile uses made of the segments at issue. Especially at 219-220 MHz, an MSS allocation would be entirely inappropriate. The Commission, just one month ago, concluded a long-pending proceeding, ET Docket 93-40, which allocated the 219-220 MHz band on a secondary basis for Amateur point-to-point fixed digital message forwarding systems. Report

and Order, FCC 95-113, released March 17, 1995. This secondary allocation of necessity created specific, detailed coordination requirements to protect the Automated Maritime Telecommunications Systems (AMTS) now operating at 216-218 MHz and 219-220 MHz. AMTS has a primary allocation in these two segments, with AMTS group A and B coast stations at 217-218 MHz, and AMTS group A and B ship stations at 219-220 MHz. There are also a large number of assignments in the entire 216-220 MHz band, reflecting allocations on a secondary basis for wildlife telemetry (tracking of, and telemetering of scientific data from, ocean buoys and wildlife) fixed and land mobile services, and aeronautical mobile services. While radiolocation was reduced to secondary status as of January 1, 1990 (see, International Footnote 627 to the Table of Frequency Allocations, 47 C.F.R. §2.106), existing facilities were grandfathered. The result of all of the above allocations is a sophisticated coordination requirement, which is promising as the result of cooperation between Watercom and other AMTS licensees on the one hand and the amateur users on the other, and as well an up-to-date database and limitations on the type of uses and power permitted by amateur licensees. An overlay of mobile uplink facilities to non-geostationary satellites is absolutely incompatible with this rather delicate sharing arrangement at 219-220 MHz.

4. It is not apparent that LOU is seriously advocating the 216-218 MHz and 219-220 MHz band for NVNG MSS uplinks. Rather, those segments represented one configuration out of several that

LOU considers possibilities for that use. LOU's comments reveal that MSS proponents apparently would prefer an allocation at 450-457 MHz in the Earth-to-space direction. LOU lists five different uplink bands, however, in a "shotgun" fashion, without more than a bare assertion that each would be suitable for uplinks for NVNG MSS. (See, LOU Comments, at 11). The League is constrained to suggest that a more effective method of advocating a NVNG MSS uplink allocation would be to actually determine which, if any, of the various alternatives suggested by LOU would be most appropriate and justify it in comments, rather than to merely set forth a generalized statement of options and leave it for the Commission to justify prior to WRC-95. Such an approach would have the additional benefit of winnowing from the list of "possibilities" bands such as 219-220 MHz which are plainly unavailable for NVNG MSS without serious disruption of existing and planned uses.

5. It is thus apparent that for uplink purposes, the 216-220 MHz band is a poor choice. It is heavily used in Regions 1 and 3 for television broadcasting, and in Region 2 for AMTS, IVDS, Amateur, Private Land Mobile, Government radiolocation, the Navy's SPASUR system, wildlife tracking and other uses. The band is completely incompatible with mobile uplinking to non-geostationary satellites.

II. Preparatory Process for Future WRCs

6. Some commenters referenced the process that the Commission should adopt for preparation for future World

Radiocommunication Conferences. Now that these conferences are entirely predictably scheduled, the Commission should adopt a permanent and forward looking preparatory process, with timetables sufficiently long for public comment to be thoughtful and comprehensive. The Commission, through its Radiocommunication Policy Branch, should create an ongoing industry advisory committee, reconstituting the same after each WRC to commence preparation for the next upcoming WRC. The committee should be as permanent as allowed by the Federal Advisory Committee Act. The NOI process for the next WRC should be initiated immediately after the prior WRC, and should be closely related to the Industry Advisory Committee process. The NOI process should be integrated into an agreed-upon timeline for the institution and completion of essential conference preparatory activities.

Therefore, the foregoing considered, the American Radio Relay League respectfully requests that the Commission not make any MSS allocation in the 216-220 MHz band, as alternatively requested by Leo One USA Corporation; and it is urged to adopt a

more formal WRC industry advisory committee process as described herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Margaret A. Ford, Office Manager in the law firm of Booth, Freret & Imlay, do certify that copies of the foregoing REPLY COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED were mailed first class, postage prepaid, this 14th day of April, 1995, to the following:

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